

THE SIGNIFICANCE OF
TAQLEED
IN SHARI'AH

Faqeehul-Ummah
Hazrat Mufti Mahmood Hasan Gangohi
Rahmatullah alayh

(Extracted from Fatawa-e-Mahmoodia Vol. 1)

Translated by:
Moulana Mohammad Asad (Walsall, U.K.)



Noorul Ilm

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MAJLIS NOORUL ISLAM
108 AUDLEY RANGE, BB1 1TG

PUBLISHERS NOTE

باسمہ تعالیٰ

حامداً ومصلیاً ومصلماً... بعد حمد وصلوة،

Some unacquainted people regard taqleed as apostasy and they spread an atmosphere of malice and controversy amongst the Muslims and especially in the youngsters. Some non-Muqallid go as far as writing about it as polytheism. Hence, after one of our Deeni brothers read it out from a book in English and drew our attention towards it, a desire grew in my heart to make our youngsters aware of the significance of taqleed in the Shari'ah. So that they do not become a prey to misunderstanding, divergence and confusion and so that they do not have a misconception regarding our Imaams, that they had adopted a path which was detached from the Qur'an and Ahadeeth. When in reality, after understanding the objective and the meaning of the Qur'an and Sunnah, they simplified it into the form of Fiqha and Masa'il and then they offered it to the Ummah, which is in actual fact obeying the Qur'an and Sunnah. For this reason, the Ummah owes a debt of gratitude to them, (May Allah reward them with the best of all rewards).

Therefore, concerning this, I found that the answers of Faqeehul-Ummah, Hazarat Sheikh, Sayyidi wa Murshidi, Mufti Mahmood Hasan, Gangohi (Rahmatul-lahe-alayh,) in Fatawa-e-Mahmoodia Vol.1, regarding the significance of taqleed in the Shari'ah, to be sufficient and adequate.

I brought it to the attention of respected Molvi Mohammad Asad (May Allah keep him in peace), to render the English translation. Maasha-Allah, he translated it into English in a very short period of time with great care and effort. May Allah bless him with barakah in his knowledge and deeds and may he accept this current composition and make it beneficial for us and a treasure for us in the hereafter, Ameen.

The Servant:

(Mufti) Moosa bin Ahmad Badat (Sahib),

Batley, U.K.

26, SAFAR 1420 A .H.

FI122MG

Taqleed in Shariah





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QUESTION: What is the significance of taqleed in Shari'ah and if taqleed is important then why is the taqleed of an individual considered so important? What is the harm in following one particular Imaam for a certain mas'alah then following another Imaam regarding something else? Why do the Ulama prevent this, even when the masaalik of all the four Imaams are accepted?

ANSWER:

نحمده ونصلي على رسوله الكريم، أما بعد...

The original source of guidance is the Qur'an هُدًى لِلنَّاسِ but generally it is the fundamental principles and masaa'il which are integerate precepts, stated in the Qur'an. It was the duty of the Prophet ﷺ to explain in full the details and particulars لِيُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ 'To make clear the issues that were sent to the people.' (Bayanul-Qur'an)

EXAMPLE NO.1, It is stated in the Qur'an أَقِمُوا الصَّلَاةَ 'Establish salaah.' The full details concerning salaah are related to us by the Prophet ﷺ. For instance, how many rakaats there are in each salaah, after which rakaat should qa'dah be performed, in which rakaat is only Surah Fatiha read and in which rakaat is an additional Surah read. In which salaah is qira'at done loudly and when is it done quietly etc. It is difficult to understand all this directly from the Qur'an.

EXAMPLE NO.2, وَأَتُوا الزَّكَاةَ 'Pay Zakaah.' All the details on how the Zakaah is calculated on silver, gold, goats, cows, camels etc. have been found in the Ahadeeth. The Qur'an has not mentioned anything in regard to this.

EXAMPLE NO.3, وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ 'And pilgrimage to the house is a duty unto Allah for mankind, for those who can.' The details on how tawaaf should be done and how many rounds there are in one tawaf, the masa'il of Arafat, Mina, Muzdalifah and rami etc, have all been explained by the Prophet ﷺ.

To understand the Qur'an, it is firstly important to acquire the intelligence of Ahadeeth. It is impossible to understand the Qur'an whilst neglecting Ahadeeth. The Ummah has been commanded to derive guidance from the Qur'an under the explained instructions of the Prophet ﷺ. In this respect, the obedience of the Prophet ﷺ means the obedience of Allah. مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ 'Whoever so obeys the Prophet ﷺ, has indeed obeyed Allah.' (Bayanul-Qur'an)

Therefore it is mentioned in the Ahadeeth صَلُّوا كَمَا رَأَيْتُمُونِي أُصَلِّي (Bukhari Shareef Vol.2 pg.1076). 'Perform salaah in the manner that you have seen me perform.' The Prophet ﷺ did not say, pray the way you understand from the Qur'an.

DIFFERENT TYPES OF AHADEETH

Some things were mentioned verbally by the Prophet ﷺ himself, they are called 'Hadeeth-e-Qawli'. Some things were shown practically, which are known as 'Hadeeth-e-Fe'li' and there are those things which were done in front of the Prophet ﷺ or were brought to his attention but he did not reject or deny them, instead he preferred to remain silent, which supports their confirmation. This is called 'Taqrer'. These three types of Ahadeeth are a source of guidance for the Ummah.

QIYAAS

There are also some things which the Prophet ﷺ was asked. He answered, then he set a question for the same person, knowing that the answer was quiet apparent and that he would know it. After the person replied, the Prophet ﷺ explained that the question you asked falls under the same ruling as this.

EXAMPLE; Somebody inquired that since Haj is due upon my mother, would it be sufficient if I were to perform it on her behalf? The Prophet ﷺ replied in the affirmative. Then he asked the same person that if she took a loan from somebody and you paid it off, would it be acceptable or not? He replied that yes it would be acceptable. The Prophet ﷺ then said that paying off the loan of Allah would more readily be acceptable. (Bukhari Shareef Vol 2 pg.1088)

This Hadeeth has been quoted from Bukhari Shareef Vol 2 pg.1088,

عن ابن عباس رضى الله عنهما ان امرأة جاءت الى النبي صلى الله عليه وسلم ان امي نذرت ان تحج فماتت قبل ان تحج افاحج عنها قال نعم حجي عنها اريت لو كان علي امك دين اكنت قاضية قالت نعم قال اقضوا الذي له فان الله احق بالوفاء.

It has been narrated from Hazarat Abdullah ibn Abbas (R.A.) that a woman came to the Prophet ﷺ (and said). "My mother vowed to go for Haj, but she died before she could go. Therefore can I perform Haj on her behalf?" The Prophet ﷺ replied, "Yes you can perform Haj on her behalf. Tell me, if your mother had debts, would you have paid them off?" She answered, "Yes." The Prophet ﷺ said, "Fulfill Allah's right, for Allah is more worthy that his right be fulfilled."

In Shari'ah this is known as qiyaas, ijtihaad, istinbaat and i'tibaar. Teachings of this nature are substantiated from the Prophet ﷺ. Its conditions and details can be found in the books of Usool. It is needed when a mas'alah cannot be clearly understood from the Qur'an and Ahadeeth.

The Prophet ﷺ sent Hazarat Mu'aaz ibn Jabal (R.A.) as a Qadhi to Yemen. He gave him a lot of counselling and went a long way with him to bid him farewell. He also asked him "According to which law will you make your judgements?" He replied, "According to the Qur'an." The Prophet ﷺ then inquired. "What if you do not find it in the Qur'an?" He answered, "Then according to the Sunnah of Rasoolullah ﷺ." Then he asked, "What will you do if you do not find it in the Sunnah either?" He replied, "I will do Ijtihaad." The Prophet ﷺ showed signs of happiness and was in full support of this decision and he thanked Allah for this selection. This has been narrated in Abu Dawood Shareef, Vol 2 pg.149,

ان رسول الله صلى الله عليه وسلم لما اراد ان يبعث معاذ الى اليمن قال كيف تقضى اذا عرض لك قضاء قال اقضى بكتاب الله قال فان لم تجد في كتاب الله قال فبسنة رسول الله صلى الله عليه وسلم قال فان لم تجد في سنة رسول الله صلى الله عليه وسلم ولا في كتاب الله قال اجتهد برائي ولا الو فضر رسول الله صلى الله عليه وسلم صدره فقال الحمد لله الذي وفق رسول رسول الله صلى الله عليه وسلم لما يرضى رسول الله.

When the Prophet ﷺ decided to send Hazarat Mu'aaz (R.A.) to Yemen, he asked him, "How will you make a ruling when a case is brought to you?" He replied, "I will rule according to the Qur'an." The Prophet ﷺ then inquired, "What, if you do not find it in the Qur'an?" He answered, "Then according to the Sunnaah of Rasoolullah ﷺ." He then asked, "What will you do if you do not find it in either the Sunnah of Rasoolullah ﷺ or in the kitabullah?" Hazarat Mu'aaz (R.A.) said, "I will do ijtihaad by my opinion and will not leave any deficiency in it." The Prophet ﷺ then struck his hand on the chest of Hazarat Mu'aaz (R.A.) and said, "All praise is for Allah who gave the Rasool of Rasoolullah ﷺ, the ability of that with which the Rasool of Allah is pleased with."

IJTIHAAD

When a mas'alah cannot be clearly found in the Qur'an and Ahadeeth, the analogies and evidences have to be considered to find out its decree. This is known as ijtihaad and qiyaas, as can be understood from the afore mentioned. If this is agreed upon, it is called ijma'a. That is why the Ulama of Usool have written that qiyaas does not establish the decree, but it just makes it evident.

A ruling which existed in the Qur'an or Ahadeeth, but was not quite apparent for the common people to understand, a Mujtahid having done qiyaas on its analogies or by analysing evidently, implicitly or by way of necessity, would make it evident. Imaam Bukhari (R.A.) has compiled a specific chapter regarding this.

TAQLEED

Whoever does not have the capability of ittihaad, following a Mujtahid becomes compulsory for him. This is known as taqleed.

This is why Hazarat Mu'aaz (R.A.) was sent as a Qadhi, so that the masa'il and rulings he derives from the Qur'an, Ahadeeth and ijtihaad would be implemented. Following these three would in fact mean obeying the Prophet ﷺ.

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عن ابي هريرة قال قال رسول الله صلى الله عليه وسلم من اطاعنى فقد اطاع الله ومن عصانى فقد عصى الله ، او من يطع الامير فقد اطاعنى ومن يعصى الامير فقد عصانى،
الحديث متفق عليه
(Mishkaat Shareef pg.310)

It has been narrated from Hazarat Abu Huraira (R.A.) that the Prophet ﷺ said, "Whoever obeyed me has indeed obeyed Allah and whoever disobeyed me has indeed disobeyed Allah," or he said, "Whoever obeyed the Ameer has indeed obeyed me and whoever disobeyed the Ameer has indeed disobeyed me."

THE TYPES OF MASA`IL

There are two different types of masa`il. Firstly, those that have been mentioned in the nas (Qur`an or Ahadeeth). Secondly, those which have not been mentioned in the Qur`an or Ahadeeth.

There are two forms of the first type. The first form is that the nas will only be ruling in the positive or only in the negative. The second form is, that there are two types of nas regarding the same mas`alah. In some we find a ruling in the positive and in others in the negative. For example, from some we find out about Ameen-bil-jahr and from some we find out about Ameen-bis-sir. Some inform us about Raf`ul-yadaayn, whilst others tell us about Tark-ul-raf`a.

There is also two types of these masa`il as well. One is when historic evidence or other circumstances indicate that one nas has preference over the other. The other type is, when it is not known which nas has preference over the other and which comes first and which comes second. In total these are of four types;

FIRST; Those masa`il which only have one type of nas. No qiyaas or ijtihaad will be done, neither will there be taqleed of anybody. Instead the nas will be acted upon.

SECOND: Those masa`il which have two types of nas and it is also known which comes first and which comes second. Generally, the first one will be abrogated, while the second one will be acted upon. There is no need for qiyaas, ijtihaad or taqleed in this type either.

THIRD: Those mas`il where there are two types of nas and it is not known which comes first and which comes second.

FOURTH: Those masa`il regarding which there is no nas at all.

These last two types will be under one of the two situations. Either a person is acting upon it or he is not acting upon it and wondering around freely. Well, there is no permission for this. *أَيَحْسَبُ الْإِنْسَانُ أَنْ يُتْرَكَ سُدًى* 'What! Does man think that he will be left in vain?' *أَفَحَسِبْتُمْ أَنْمَّا خَلَقْنَاكُمْ عَبَثًا* 'So do you think that we have created you for play?' This is not the case, you have to obey our commands in every aspect. Well, what is he then going to act upon? In the third type, which nas does he act upon? If he acts upon one, the other gets left out. He cannot appoint a nas on his own behalf. He does not have the knowledge of which nas came first and which second, so that he could cancel the first and act upon the second. In the fourth type, there is no nas at all. So without knowledge what is he going to act upon?

Allah says in the Qur`an, *وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ*. Which means, 'Do not act upon anything without knowledge and research.' This leaves no choice but to do ijtihaad. It is necessary in the third type because one of the nas has to be appointed to be acted upon, and in the fourth type because the ruling has to be found.

This is also quite obvious that not everybody has the capability and capacity to do ijtihaad and istinbaat. This verse of the Qur`an makes this clear as well. Allah says, *وَلَوْ رَدُّوهُ إِلَى الرَّسُولِ وَإِلَى أُولَى الْأَمْرِ مِنْهُمْ لَعَلِمَ الَّذِينَ يَسْتَبْطُونَهُ مِنْهُمْ* 'If they had referred it to the Messenger and to those who have authority amongst them, the proper investigators would have known it from them (direct).'

Anybody can claim to make a decision, regardless of its being right or wrong, but only he will be called a Mustanbit and Mujtahid, whose istinbaat is in accordance to the Shari`ah. If it is not, then he will be known as a Muqallid. Hence it is important for a Mujtahid to do ijtihaad in these two types and as for the Muqallid, it is important for him to do taqleed. Even if the Mujtahid makes an error, he will not be deprived of reward and if his ijtihaad is correct then he will be entitled to double reward. Likewise it has come in Bukhari Shareef Vol 2 pg.1092

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الحديث متفق عليه

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A DOUBT: Why is the taqleed of the four Imaams (Imaam Abu Haneefa, Imaam Malik, Imaam Shafi'ee, Imaam Ahmed R.A.) done, even though there were many Mujtahideen amongst the Sahabah, Tabi'een and the Tab'ut-Tabi'een? What is the harm in doing taqleed of anybody else, especially those Sahabah whose virtues have been mentioned profusely in many Ahadeeth.

ANSWER: The answer to this is that indeed the Sahabah have a higher status than the four Imaams. The reason for doing taqleed of the four Imaams is not because they are thought to be greater than the Sahabah, but when doing taqleed it is important to acknowledge the masa'il in which taqleed is done.

Today, there are vast amounts of details and explanations present about the masa'il, compiled and collected in the mazahib of the four Imaams, from Kitabut-Taharah to Kitabut-Fra'idh, including Ibadah, Dealings etc. In short each and every mas'alah in all the fields and spheres has been collected. These type of detailed and compiled mazahib cannot be found from the Sahabah, Tabi'een or the Tab'ut-Tabi'een. So if one was to do taqleed of anybody apart from the four Imaams, then how would he do it? This is why taqleed of the four Imaams alone, has been chosen.

Allah bestowed upon the four Imaams the knowledge of the Qur'an and Ahaadeeth in depths and the complete skills of istinbaat to this extent that they had access to all the Ahadeeth of the Prophet ﷺ which proliferated throughout the world by the Sahabah. It is possible that there might have been a narration that one of them knew about but the other did not, but there could not possibly be a narration that none of them knew about.

Hazarat Shah Waliullah Muhadith Dehlvi (R.A.) has written in Sharhul-Mu'ata, (page 6) about the spreading and circulation of Ahadeeth and about Madina Tayiba, being the headquarters of knowledge. He writes,

بالجمله این چهار امامانند که عالم را علم ایشان احاطه کرده است امام ابو حنیفہ
وامام مالک وامام شافعی وامام احمد الخ

'These four Imaams are such that their knowledge has encompassed the whole world and those four Imaams are Imaam Abu Haneefa (R.A.), Imaam Malik (R.A.), Imaam Shafi'ee and Imaam Ahmad (R.A.).'

QUESTION: Why is it important to do taqleed of only one Imaam? What harm is there in following one Imaam for one mas'alah, then another Imaam for some other mas'alah, the way it was in the time of the Sahabah and the Tabi'een. They were not dependant on one individual in following the whole mazhab.

ANSWER: In the time of the Sahabah, virtue and prosperity had the upper-hand and generally there was no part in deen for fulfilling personal desires. That is why when someone inquired about a mas'alah, he asked with a good intention and he would act upon it as well, regardless of whether he liked it or not.

In later times, this was not the case. Instead, people started having the urge to ask one mas'alah from a certain Alim and if the answer was against their desires, they would walk off to another Alim in search of ease. Still not content with this, they were stricken with a growing concern about how they could find a way out in every mas'alah which would satisfy them. It is apparent that this can not be the motive for the search of truth.

Sometimes this can cause a lot of damage. For example, a person made wudhu then touched his wife. Somebody following the mazhab of Imaam Shafi'ee (R.A.) said to him "Repeat your wudhu because touching your wife breaks the wudhu." He replies, "I do taqleed of Imaam Abu Haneefa (R.A.) and wudhu does not break in his opinion of this situation." Then this person vomits. Somebody following the mazhab of Imaam Abu Haneefa (R.A.) says to him, "Repeat your wudhu because vomit breaks the wudhu in the opinion of Imaam Abu Haneefa (R.A.)." He replies, "I am following the mazhab of Imaam Shafi'ee (R.A.) and in his view, wudhu does not break by vomiting." Now, this person's salaah is not valid in accordance with the mazhab of Imaam Abu Haneefa (R.A.) or Imaam Shafi'ee (R.A.). This is known as talfeeq which is void and not permissible, by unanimous decision.

Following in this manner is in actual fact doing taqleed of neither of the Imaams. Instead it is fulfilling personal desires which is forbidden in the Shari'ah. It leads a person astray and away from the path of Allah. Allah says in the Qur'an, وَلَا تَتَّبِعِ الْهَوَىٰ فَيُضِلَّكَ عَنْ سَبِيلِ اللَّهِ 'And do not follow your personal desires, for they will lead you astray from the path of Allah.' (Bayanul-Qur'an)

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This is why it is important to do taqleed of only one Imaam. The Qur'an has associated obedience with repentance , وَأَتَّبِعْ سَبِيلَ مَنْ أَنَابَ إِلَيَّ 'And follow the path of he who turns towards me,' (Bayanul-Qur'an). On this basis, any individual who had strong presumption about Imaam Abu Haneefa (R.A.) , that he was repentant, correct and that his ijtihaad was in accordance with the Qur'an and Ahadeeth, he chose to do his taqleed. Anybody who had the same thought regarding Imaam Sha-fi'ee (R.A.), Imaam Malik (R.A.) or about Imaam Ahmad (R.A.), he started doing his taqleed. Now, this is incorrect to leave one's own Imaam whenever a person feels and start following a different mazhab, because without permission of the Shari'ah it becomes talfeeq and fulfillment of personal desires. In result of which a person is lead astray.

Hence, Molana Mohammad Hussain Sahib has written in his compilation Ishaat-Sunnah Vol 11 No.2 pg.53. After opposing taqleed for a very long period of time and then becoming affected with bitter experience for not doing taqleed, he writes,

"We found out from 25 years of experience that those people who abstain from entire Mujtahids and taqleed, they end up saying farewell to Islam. Some become Christians whilst others end up without any mazhab at all. Rebellion and disobedience of the Shari'ah is a petty result of this freedom." (Sabeelur-Rashaad pg.12)

This is why those learned Ulama who have deep insight of the Qur'an and countless treasures of the traditions of the Prophet ﷺ and the Sahabah, in front of their eyes. Whose hearts are enriched with the fear of Allah and whose lives are enlightened with the lamp of the Sunnah of the Prophet ﷺ, still choose to do taqleed, despite having these qualities and virtues.

It would not be an exaggeration if it was said that these Ulama reached such a status only through following the Prophet ﷺ and doing taqleed of the pious servants of Deen and the great Mujtahideen.

والله سبحانه تعالى اعلم

WAS SHAH WALIULLAH A MUQALLID?

QUESTION: What do the Ulama and the Muftis say about the following mas'alah. Was Shah Waliullah a Muqallid or not? If he was a Muqallid then what was his maslak? Here some people say he was not a Muqallid. Please give reference from some authentic source.

ANSWER: حامداً ومصلياً Hazarat Shah Waliullah Sahib (R.A.) was enriched with the treasures of a vast amount of knowledge, deep concerns, high morals, righteous behaviour, purified mind, cleansed heart, strong connection and true sanitliness. Whenever any doubts arised, instantly it was solved through nabawi ruhaniyat as if all the traditions were in front of him. He was well aware of the mazahib and had full experience of the Imaams of ijtihaad regarding the principles of istinbaat and the derivation of masa'il. He was well versed in the science of collaboration between two traditions and was a Hafiz of naasikh and mansookh etc.

Considering all this, he did not have the need to do taqleed but the Prophet ﷺ compelled him to do so. There were other things as well apart from taqleed which he was forced to do against the urge of his nature. Hence he writes;

وثانيها الوصاة بالتقيد بهذه المذاهب الاربعة لا اخرج منها والتوفيق ما استطعت
وجبلتني تايي التقيد وتأنف منه راساً ولكن شئ طلب مني التعبد منه بخلاف نفسي
(Fuyuzul-Haramain pg.65).

Being bound under general taqleed can be understood from this, also that this taqleed is within the four mazahib.

Giving preference to the Hanafi mazhab, he writes,

عرفني رسول الله صلى الله عليه وسلم ان في المذهب الحنفى طريقة انيقة وهي اوفق
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الحنفيين الذين من علماء الحديث قرب شيء سكت عنه الثلاثة في الاصول وما
تعرضوا لنفيه و دلت الاحاديث عليه فليس بد من اصحابه والكل مذهب حنفي،
ابو حنيفة صاحباه
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He passed away in 1176 A.H. and it was the same year that he taught Bukhari Shareef for the last time. He wrote the sanad out for Molvi Cheraagh Sahib with his pen, which still exists in Khudaa Baksh Library in Patnaa along with the Bukhari Shareef itself. On the sanad he wrote 'Hanafi' with his name. It has also got Hazarat Shah Rafi-ud-deen's certification on it, to prove that it was written by his father, along with Shah Alam's stamp of confirmation as well. From this we can tell that he stayed a Hanafi till the end. Nobody has the authority to say that he became a ghair muqallid. نعوذ بالله عنه

Of course he used to collect them according to his capability and discuss the strength and weakness of the proofs, which might have left doubts in some people.

والله سبحانه تعالى اعلم

WHAT SHOULD A MUQALLID DO IF THERE IS A HADEETH CONTRADICTING THE SAYING OF AN IMAAM ?

QUESTION: What do the Ulama and the Muftis say about this mas'alah. If in the opinion of Imaam A'zam (R.A.) something is regarded as unlawful and there is a sahih Hadeeth contradicting Imaam Sahibs opinion. The narrators are approximately more than four in number and they are all reliable. They all narrate exactly the same proof from the Prophet ﷺ and the Hadeeth is also in Bukhari Shareef. So in this situation what do you say about an individual who rejects Imaam Sahibs opinion and follows the Hadeeth. Please send the fatwa.

ANSWER: حامداً ومصلياً It can be possible that there is a Hadeeth in Bukhari Shareef against the mas'alah stated by Imaam A'zam (R.A.), but this can never be possible that Imaam Sahib has stated a mas'alah without any evidence. At least think about this that even in the view of Imaam Sahib, it is not permissible to do qiyaas when there is a sahih Hadeeth in existence. Then saying that Imaam Sahibs opinion is merely just a qiyaas which is against the Hadeeth, is completely incorrect and against the principles of Imaam Sahib and it is also slanderous.

An opinion is decided upon, first by finding out the cause (illah) of a certain mas'alah which can be found in the nas (Qur'an and Ahadeeth). So that those mas'alah which have no nas, but have the same cause, can be ruled the same as the ones which have a nas. The benefit of this is that the decree of the nas becomes more general. Imaam Bukhari (R.A.) has also confirmed this in his Bukhari Shareef.

Hence, in whichever mas'alah there is already a nas, the qiyaas and opinion of Imaam A'zam (R.A.) has no part to play. Instead the nas will be acted upon. Some short-sighted people just pick up one Hadeeth and start saying that Imaam A'zam's (R.A.) certain opinion is against this Hadeeth. This is because of their ignorance or enmity.

Sahih Bukhari, collectively has been given preference, but that does not mean that each and every Hadeeth of Bukhari Shareef has priority over each and every Hadeeth of the other books of Ahadeeth. It can be possible that some Ahadeeth in other books have been given preference over Bukhari Shareef, upon which Imaam A'zam's (R.A.) opinion is based. Sheikh ibn Hamaam (R.A.) has discussed this in Fath-hul-Qadeer.

It has been stated in Umdatul-Qari Sharhul-Bukhari Vol 8 pg.51;

ودعوى الحكم بتصحیح جميع ما اورده البخارى فى كتابه غير موجهة لان دعوى الكلية تحتاج الى دليل قاطع.

Imaam Bukhari's (R.A.) claim, that all the Ahadeeth are sahih, is not worth attention because definite evidence is needed to make an entire claim.

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Therefore, declaring that Imam A`zam`s (R.A.) view is against Hadeeth and merely is an opinion, is itself a declaration without any evidence. It contradicts the evidence itself, which originates from lack of knowledge or enmity.

والله سبحانه تعالى اعلم

TAQLEED FOR A MUHAQIQ ALIM AND CHANGING FROM ONE MAZHAB TO ANOTHER

QUESTION NO. 1: What is the meaning of taqleed in the terminolgy of the Fuqahaa ?

QUESTION NO. 2: In reality, is it accepted by the Ulama that a person who is a Mujtahid himself cannot do taqleed of anybody else, with the understanding of, *التقليد بانه العمل بقول من لا يعرف دليله*.

QUESTION NO. 3: If a person does not hold the status of a Mujtahid, but he is an Alim of the Qur`an and Sunnah and not only does he have deep knowledge of Sunnan-e-Nabawia, but he also understands the detailed fihi masa`il of the different mazahib and knows which should be given preference. What is the ruling of his doing taqleed of the Imaams of the different mazahib?

Is it important for him to stay connected with one mazhab all the time and under no circumstances can he follow a different mazhab, even though it may be regarding the same mas`alah? Or is it alright to take all the evidence of the different mazahib into consideration and then act upon the one that is more closer to Qur`an and Ahadeeth.

QUESTION NO. 4: For instance, if somebody has started to follow one mazhab, can he totally or partly follow another mazhab later on or does he always have to stay with the first mazhab?

QUESTION NO. 5: A person who does not have any knowledge of Qur`an and Sunnah, he is one of the common folk. What is the ruling for such a person to move from one mazhab to another mazhab ?

ANSWER NO. 1: حامداً ومصلياً A person who can be trusted that his ruling will be in accordance with the evidence. Accepting his word and not asking him for proof is taqleed, (Likewise it has been mentioned in Aqdul-Jayyid)

ANSWER NO. 2: The preferred ruling is that, it is permissible for a Mujtahid to do taqleed of another Mujtahid because ijtihaad is fractional. (Likewise is has been explained in Shami)

ANSWER NO. 3: When he is not capable of doing ijtihaad although he might have deep knowledge, it is still important for him to do taqleed of an individual. It is not right for him to follow another mazhab on the basis of his own opinion. Talfeeq is bil-ijma` a void and not permissible. (Likewise it has been stated in Dur-rul-Mukhtar, وان الحكم المطلق باطل بالاجماع)

Whilst being deprived of ijtihaad, making a statement about a mas`ala that it is in accordance with the Qur`an and Sunnah, is beyond his status.

ANSWER NO. 4: If the trust, on the basis of which a person starts to do taqleed of an Imaam, starts to expire from one Imaam, due to vast knowledge and deep understanding, then it is permissible to change Imaams totally and not partly. Or else, talfeeq will come into existence which is not permissible. (Likewise it has been stated in Hamwee)

ANSWER NO. 5: This is not permitted. It is fulfilling the desires and it becomes a play. Aqdul-Jayyid, Insaaf, Sabeelur-Rashaad, Al-Iqtisaad, Intisaarul-Haq, Tayseer and At-Taqreer wat-Tahbeer, have all stated the detailed evidence regarding this issue.

والله سبحانه تعالى اعلم

Therefore, declaring that Imam A`zam`s (R.A.) view is against Hadeeth and merely is an opinion, is itself a declaration without any evidence. It contradicts the evidence itself, which originates from lack of knowledge or enmity.

والله سبحانه تعالى اعلم

TAQLEED FOR A MUHAQIQ ALIM AND CHANGING FROM ONE MAZHAB TO ANOTHER

QUESTION NO.1: What is the meaning of taqleed in the terminology of the Fuqahaa ?

QUESTION NO.2: In reality, is it accepted by the Ulama that a person who is a Mujtahid himself cannot do taqleed of anybody else, with the understanding of, التقليد بانه العمل بقول من لا يعرف دليله .

QUESTION NO.3: If a person does not hold the status of a Mujtahid, but he is an Alim of the Qur`an and Sunnah and not only does he have deep knowledge of Sunnan-e-Nabawia, but he also understands the detailed fihi masa`il of the different mazahib and knows which should be given preference. What is the ruling of his doing taqleed of the Imaams of the different mazahib?

Is it important for him to stay connected with one mazhab all the time and under no circumstances can he follow a different mazhab, even though it may be regarding the same mas`alah? Or is it alright to take all the evidence of the different mazahib into consideration and then act upon the one that is more closer to Qur`an and Ahadeeth.

QUESTION NO.4: For instance, if somebody has started to follow one mazhab, can he totally or partly follow another mazhab later on or does he always have to stay with the first mazhab?

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IS IT AGAINST TAQLEED FOR A HANAFI TO FOLLOW SOMEBODY ELSE'S VIEW ?

QUESTION: What is the definition of taqleed? Will a person still remain a hanafi if he acts upon Imaam Abu Yusuf's (R.A.) view or Imaam Zafar's (R.A.). Also will he still remain a hanafi if he acts upon the opinion of Imaam Shafi'ee (R.A.) or Imaam Malik (R.A.) at the time of need (for example the mas'alah of mafqood).

ANSWER: حامداً ومصلحاً For a non-Mujtahid to follow a Mujtahid, trusting him that he has the proof and evidence for it and he does not ask him for the evidence, is known as taqleed.

The principle of Imaam A'zam (R.A.) which his students have described in details and from which other masa'il are derived, whether these masa'il are directly from Imaam Sahib (R.A.) or not, a person who adopts them remains a 'Hanafi'. The views of Imaam Sahibs students are in actual fact Imaam Sahibs views, regardless of whether they are directly or indirectly from Imaam Sahib. Therefore, acting upon them on special occasions does not expel an individual from Hanafiyah.

Sometimes, because of changes in occurrences and incidents, the ruling changed in a way that the scholars of the later era understood that if Imaam Sahib (R.A.) was still alive today, he would have made a certain ruling in a particular mas'alah. Therefore, they decided upon that ruling, regardless of whether that was the view of Imaam Shafi'ee (R.A.) or an opinion of any other Imaam.

These type of changes, like the excellence of Haj, nafl and sadaqah etc, can be found in the time of Imaam Sahib (R.A.) himself. Hence, this does not cause any changes in Hanafiyah. Details can be found in Uqood Rasmul Mufti li Ibn Abi-deen.

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